

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 463

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY PROMULGATE RULES TO ALLOW NONRESIDENT DEER OR ELK TAGS TO BE USED TO HUNT AND KILL BEAR, WOLF OR MOUNTAIN LION DURING OPEN SEASON FOR DEER OR ELK.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has obtained a permit to hunt, as provided in section 36-401, Idaho Code, or has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, wolf, sandhill crane or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that any person who holds a senior resident combination license or any person who holds a junior combination or hunting license or any disabled American veteran who holds a disabled combination license, may be issued a bear, deer, elk, or turkey tag for a fee as specified in section 36-416, Idaho Code; provided further, that resident game tags may be issued only to those persons who meet residency requirements of subsection (s) of section 36-202, Idaho Code. In the event an emergency is declared to open a season to protect private property as provided in section 36-106(e)6.(B), Idaho Code, the affected landowner or his designee shall be eligible to receive a resident deer, elk or antelope tag without charge; provided further, that resident game tags may be issued only to persons who qualify as residents pursuant to section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a license to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained a license to hunt, as provided in section 36-406(e), Idaho Code, or a resident who has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, wolf, sandhill crane or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further that a nonresident who has purchased a license to hunt, as provided in section 36-407(k), Idaho Code, shall be eligible to receive a junior mentored deer, elk, bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

(c) Game Tags Required. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. Provided,

1 however, that the requirements for a wolf tag, a mountain lion tag or a  
2 bear tag, as to different periods of time and areas of the state, shall be  
3 determined and specified by the commission. Provided further, that the  
4 commission may promulgate rules to allow a nonresident deer or elk tag to be  
5 used to hunt and kill either a bear, wolf or a mountain lion during the open  
6 season for deer or elk in that area, unit or zone as may be specified by the  
7 commission. All of said tags are to bear and have serial numbers.

8 (d) Game Tag to Be Validated and Attached to Carcass. As soon as any  
9 person kills any wildlife for which a tag is required, said tag, belonging to  
10 him, must be validated and attached to said wildlife in a manner provided by  
11 commission rule.

12 (e) Archery Permits. In addition to meeting the license and tag  
13 requirements provided in this chapter, any person participating in any  
14 controlled or general game season which has been specifically designated as  
15 an archery hunt must have in his possession an archery hunt permit which may  
16 be purchased for a fee as specified in section 36-416, Idaho Code.

17 (f) Muzzleloader Permit. In addition to meeting the license and tag  
18 requirements provided in this chapter, any person participating in any  
19 controlled or general game season which has been specifically designated as  
20 a muzzleloader hunt must have in his possession a muzzleloader permit which  
21 may be purchased for a fee as specified in section 36-416, Idaho Code.

22 (g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a  
23 dog for the purpose of hunting or for taking, as defined in section 36-202,  
24 Idaho Code, big game or furbearing animals must have in his possession a  
25 valid hound hunter permit which may be purchased by resident and nonresident  
26 license holders for a fee as specified in section 36-416, Idaho Code.

27 (h) Nonresident Bird of Prey Capture Permit. The commission may, under  
28 rules as it may prescribe, issue a nonresident bird of prey capture permit.  
29 This capture permit may be purchased by any licensed, nonresident falconer  
30 for capturing birds of prey in Idaho. The fee for the permit shall be as  
31 specified in section 36-416, Idaho Code, and the permit shall be issued under  
32 the condition that the nonresident's home state allows reciprocal raptor  
33 capturing privileges for Idaho falconers.

34 (i) Wildlife Management Area (WMA) Upland Game Bird Permit. The  
35 commission may, under rules as it may prescribe, issue a wildlife management  
36 area upland game bird permit that must be purchased by all persons over  
37 sixteen (16) years of age prior to hunting stocked upland game birds on state  
38 wildlife management areas designated by the commission. The fee for the  
39 permit shall be as specified in section 36-416, Idaho Code.

40 (j) Bear Baiting Permit. The commission may, under rules as it may  
41 prescribe, issue a bear baiting permit. Any person placing or using bait as  
42 may be allowed by rule for the purpose of attracting bear must have in his  
43 possession a valid bear baiting permit which may be purchased by a license  
44 holder for a fee as specified in section 36-416, Idaho Code.

45 (k) Migratory Bird Harvest Information Program Permit. The commission  
46 may, as provided by federal laws or regulations and under rules as it may  
47 prescribe, issue a migratory bird harvest information program permit that  
48 must be purchased by all persons prior to hunting migratory game birds as  
49 required by federal law or regulations. The fee for the permit shall be as  
50 specified in section 36-416, Idaho Code.

1       (1) Dog Field Trial Permit. The commission may, under rules as it  
2 may prescribe, issue a dog field trial permit to any person using birds for  
3 dog field trials or training as may be allowed by rule. The permit may be  
4 purchased for a fee as specified in section 36-416, Idaho Code.

5       (m) Idaho Nursing Home Facility Resident Fishing Permit. The  
6 commission may, under rules as it may prescribe, issue an Idaho nursing home  
7 facility resident fishing permit that must be purchased by an Idaho nursing  
8 home facility to allow residents of its facility to fish during the open  
9 season. Facilities eligible to purchase this permit are: intermediate care  
10 facilities providing twenty-four (24) hour skilled nursing care, assisted  
11 living facilities providing twenty-four (24) hour extensive assistance  
12 and skilled nursing facilities providing twenty-four (24) hour skilled  
13 nursing. By purchasing this permit the facility assumes full responsibility  
14 for and control over the facility residents while using the permit. All  
15 laws, rules and proclamations apply to the use of this permit and it is  
16 the responsibility of the facility to assure compliance with all laws,  
17 rules and proclamations. In case of a violation the facility shall be held  
18 accountable and any citations shall be issued to the facility. The permit  
19 may be purchased for a fee as specified in section 36-416, Idaho Code.